

This Draft Environmental Impact Report (DEIR) has been prepared by the City of Morgan Hill, as lead agency, pursuant to applicable provisions of the California Environmental Quality Act (CEQA) and its implementing guidelines, the CEQA Guidelines. The purpose of this DEIR is to evaluate the potential environmental effects associated with development of the Cochrane Road Planned Unit Development (PUD), a proposed 657,250 square foot shopping center at the northeast corner of Cochrane Road and U.S. Highway 101 in the City of Morgan Hill. The proposed shopping center would include 657,250 square feet of commercial uses, including two large anchor stores, retail shops, restaurants (sit-down and fast food), a multi-plex cinema with up to 14 screens, and an optional 12-position fuel station.

This section summarizes the purpose and intended uses of the EIR, the environmental procedures that are to be followed according to state and local law, and the EIR's scope and organization.

### 1.1 BACKGROUND AND PURPOSE

The City of Morgan Hill (hereinafter "City") has prepared this EIR to provide the public, responsible agencies and trustee agencies with information about the potential environmental effects of the proposed Cochrane Road Planned Unit Development (hereinafter "proposed project"). As described in CEQA Guidelines Section 15121(a), an EIR is a public information document that assesses potential environmental effects of the proposed project and identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts. Public agencies are charged with the duty to consider and minimize environmental impacts of proposed development where feasible, and have an obligation to balance a variety of public objectives, including environmental, economic and social factors.

The project applicants, Browman Development Company, Inc., J.P. Di Napoli Companies Inc., and the Guglielmo Family (hereinafter "project applicant") have submitted applications for a zoning amendment; development agreement; site and architectural plan review; conditional use permits; tentative map review; tree removal plan; and grading plan to establish a precise development plan for an approximate 657,250 square foot shopping center on a 66.49-acre site located at the northeast corner of Cochrane Road and U.S. Highway 101. [Section 2.7](#) of this EIR lists the requested actions and required approvals for the proposed project.

The proposed project would include two large anchor stores, retail shops, restaurants (sit-down and fast-food), and a multi-plex cinema with up to 14 screens. The proposed anchor stores could consist of the relocation and expansion of the 'Target' store (currently located at the Cochrane Plaza shopping center) and construction of over 530,000 square feet of additional retail, which could include a home improvement store, wholesale store or

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department store; retail shops; restaurants (sit-down and fast food); and a 63,200 square foot multi-plex cinema with up to 14 screens. The proposed project includes an optional 12-position fuel station that would incorporate a 1,600 square foot convenience market and a 600 square foot car wash as a substitution for 6,000 square feet of retail space. The expanded `Target` will not include a full-size grocery store.

The proposed project also entails a general plan amendment (GPA) for the extension of Mission View Drive north of Cochrane Road instead of extending from De Paul Drive (formerly St. Louise Drive) as designated on the *City of Morgan Hill General Plan* map.

CEQA requires the preparation of an EIR prior to approval of any "project" that may have a significant effect on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has potential to result in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

### TYPE OF DOCUMENT

CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a project EIR pursuant to CEQA Guidelines Section 15161. A project EIR is the most common type of EIR and evaluates the environmental impacts of a specific development project. This EIR examines all phases of the project including planning, construction, and operation.

## 1.2 INTENDED USES OF THIS EIR

This EIR provides the environmental information and evaluation necessary for the planning, construction, and operation of the proposed project. This document will be used by the City of Morgan Hill and any other responsible or reviewing agency to identify and evaluate significant environmental issues at the project site. This includes evaluations necessary for approvals identified in this EIR as well as any additional approvals necessary or useful to such planning, construction, and maintenance (e.g., any final construction plans, design reviews, and other development-related approvals). Likewise, this EIR provides the environmental information and evaluation needed by responsible agencies acting on permits relative to the project and project site. **Section 2.0** contains a detailed project description. Actions that would be taken relative to the project evaluated in this EIR are listed under subheading **2.7, Requested Actions and Required Approvals**.

### 1.3 ENVIRONMENTAL REVIEW PROCESS

The California Environmental Quality Act and the City of Morgan Hill encourage public participation in the planning and environmental review processes. Opportunities will be provided for the public to present comments and concerns regarding the project and this environmental review document through a 45-day CEQA public review and comment period; as well as at public hearings or meetings before the City of Morgan Hill Planning Commission and City Council.

The review and certification process for the EIR involves the following procedural steps:

#### NOTICE OF PREPARATION

In accordance with Section 15161 of the CEQA Guidelines, the City of Morgan Hill determined that due to potential significant effects resulting from the project, an EIR would be necessary. In accordance with Section 15082(a) of the CEQA Guidelines, the City prepared a Notice of Preparation (NOP) of an EIR. The review period for the NOP ended on December 16, 2004. The NOP was circulated to public, local, state, and federal agencies, and other interested parties for a 30 day comment period to solicit comments on the proposed project. Concerns raised in response to the NOP were considered in the preparation of the DEIR. The NOP for the EIR and the letters received by the City in response to the notice are included in **Appendix A**.

#### DRAFT EIR

This DEIR contains a description of the project, description of the environmental setting, identification of project impacts and effects found not to be significant, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives. Upon completion of the DEIR, the City of Morgan Hill filed a Notice of Completion (NOC) with the State Office of Planning and Research, in accordance with Section 15085 of the CEQA Guidelines. This began the 45-day public review period (Public Resources Code, Section 21161) for the DEIR.

#### PUBLIC NOTICE/PUBLIC REVIEW

Concurrent with filing the NOC, the City of Morgan Hill provided a public notice of the availability of the DEIR for public review in accordance with CEQA Guidelines Section 15087(a), and circulated the document to responsible agencies, organizations, and other interested parties inviting written comments on its contents. Written public comments may be submitted to the City of Morgan Hill at any time during the 45-day public review and comment period for the EIR, and written and oral comments may be presented at

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scheduled public hearing(s), as advertised.

All comments or questions regarding the DEIR should be addressed to:

**Ms. Rebecca Tolentino**  
**Associate Planner**  
**City of Morgan Hill**  
**17555 Peak Avenue**  
**Morgan Hill, California 95037-4128**  
**Phone: (408) 779-7248**

### RESPONSE TO COMMENTS/FINAL EIR

Following the public review and comment period for the DEIR, a Final EIR (FEIR) will be prepared. The FEIR will respond to written comments received during the public review and comment period and to oral comments made at any public hearings. The Planning Commission and City Council will review and consider the FEIR prior to their decision to approve, revise or reject the proposed project.

### CERTIFICATION OF THE EIR

If the City of Morgan Hill finds that the FEIR is “adequate and complete,” the City may certify the FEIR. The rule of adequacy generally holds that the EIR can be certified if: 1) it shows a good faith effort at full disclosure of environmental information, and 2) provides sufficient analysis to allow decisions to be made regarding the project in contemplation of environmental considerations.

### PROJECT CONSIDERATION

Upon review and consideration of the FEIR, the City may act upon the project. A decision to approve the project would be accompanied by written Findings in accordance with CEQA Guidelines Section 15091 and, if applicable, Section 15093 (Statement of Overriding Considerations).

### MITIGATION MONITORING

The City of Morgan Hill must also adopt a Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures that have been incorporated in or imposed upon the project to reduce or avoid significant effects on the environment (Public Resources Code Section 21081.6(a)). This program will be designed to ensure that these measures are carried out during project implementation. The specific reporting or monitoring program required by CEQA is not required to be included in the EIR. Throughout the EIR, however, mitigation measures have been clearly identified and presented in language that will facilitate establishment of a monitoring and reporting program. Any mitigation measures

adopted by the City of Morgan Hill as part of the certified FEIR will be considered as conditions for approval of the project and will be included in the Mitigation Monitoring and Reporting Program to ensure and verify compliance.

### 1.4 SCOPE AND ORGANIZATION

Sections 15122 through 15132 of the CEQA Guidelines identify the content requirements for Draft and Final EIRs. An EIR must include: a description of the environmental setting; an environmental impact analysis; mitigation measures; alternatives to the proposed project; significant irreversible environmental changes; growth-inducing impacts; and cumulative impacts.

The environmental issues addressed in the DEIR were established through the preparation of environmental documentation and supporting technical reports developed for the project, responses to the Notice of Preparation for the DEIR, and comments received. Based upon documentation, technical reports, NOP responses, agency consultation, and review of the project application, the City has determined the scope for this EIR. This Draft EIR is organized in the following manner:

#### SECTION S - EXECUTIVE SUMMARY

The Executive Summary provides a brief synopsis of the EIR findings. This summary includes a project overview, summary of significant environmental effects, and mitigation measures and alternatives that would reduce or avoid those effects. Impacts are organized in a matrix format that clearly identifies accompanying measures and level of significance after mitigation.

#### SECTION 1.0 - INTRODUCTION

The Introduction briefly describes the project background, the purpose and intended uses of the EIR, the environmental review process, and the scope and organization of the EIR.

#### SECTION 2.0 - PROJECT DESCRIPTION

This section provides a detailed account of the proposal and forms the basis of the analysis, as required by CEQA. This section includes the project location and legal description, project objectives, project characteristics, and details of the construction work.

#### SECTION 3.0 - ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

This section describes the existing project setting, discusses the environmental impacts of the project, describes cumulative impacts, and identifies mitigation measures for the

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environmental impacts examined in this EIR. The following major environmental topics shall be addressed in this section:

- **3.1 Aesthetics and Visual Resources:** The potential change in character as measured against the existing setting and visual conditions of the project area is discussed within this subsection of the EIR. Project visibility, scale, light and glare, and community character are considered relative to the existing agricultural and residential character of the project site and surrounding land uses. The effects of construction of the proposed project on the northern gateway of the U.S. Highway 101/Cochrane Road intersection is also discussed within this subsection of the EIR.
- **3.2 Agricultural Resources:** The agricultural resources subsection of the EIR analyzes the conversion of agricultural land at the project site and the potential conversion of surrounding agricultural properties with implementation of the proposed project. A "Land Evaluation and Site Assessment (LESA)" model was prepared for the project site to evaluate the quality of agricultural resources, as recommended by the California Department of Conservation, Department of Land Resources.
- **3.3 Air Quality:** This subsection of the EIR addresses the requirements of the Bay Area Air Quality Management District (BAAQMD) and analyzes local and regional air quality impacts associated with project implementation including short-term construction impacts (e.g. grading, etc.), as well as long-term operational emissions from mobile (e.g. traffic) and stationary sources. This analysis is based on an air quality analysis conducted by Illingworth and Rodkin, Inc. in March 2005.
- **3.4 Biological Resources:** Potential impacts upon biological resources in the affected area are analyzed in this subsection of the EIR based on a site reconnaissance of the project site by Pacific Municipal Consultants. This subsection discusses the removal of trees, the potential degradation or elimination of important species, and the impacts on listed, proposed, and candidate threatened and endangered species.
- **3.5 Cultural Resources:** This subsection analyzes the presence or absence of potentially significant archaeological and historic resources at the project site. The results of a records search at the Northwest Information Center at Sonoma State University, Rohnert Park; a sacred lands search conducted by the Native American Heritage Commission; consultation with Native Americans and other interested parties; as well as field surveys by Pacific Municipal Consultants cultural resource staff are presented within this subsection. The project site contains three single-family homes and associated outbuildings that are more than 45-years old. An

evaluation of these homes was conducted by a qualified architectural historian consistent with *City of Morgan Hill General Plan EIR* Mitigation Measure CULT-1a.

- **3.6 Geology and Soils:** This subsection examines potential geologic and seismic hazards, as well as any engineering constraints and general soil suitability of the proposed project. The basis of the analysis is a review of the Preliminary Geotechnical Engineering Investigation prepared by Twining Laboratories (November 2004). The analysis includes engineering recommendations for any geologic hazards or soil constraints identified at the project site.
- **3.7 Hazards and Hazardous Materials:** This subsection discusses the potential for the proposed project to create a significant hazard through the use, transport, or storage of hazardous materials. The potential for on-site sources of contamination such as agricultural chemicals, fuel tanks, equipment and vehicle maintenance areas, asbestos-containing building materials, and lead-based paint, among other things is discussed within this subsection of the EIR. The basis of the analysis included a review of the Phase I and Phase II Environmental Site Assessment prepared by Twining Laboratories in June 2004 and February 2005, respectively, and an Asbestos and Lead-Based Paint Reconnaissance prepared by Bovee Environmental Management, Inc. in February 2005.
- **3.8 Surface Water Hydrology and Water Quality:** The impacts of the proposed project on surface water hydrology, storm drainage, and water quality are discussed within this subsection of the EIR. The analysis identifies existing drainage patterns and estimates storm drainage runoff that would be generated by the conversion of the site from rural residential and agricultural uses to commercial uses. The basis of this analysis included a review of the hydrology report prepared by Schaaf and Wheeler in May 2005.
- **3.9 Land Use:** This subsection focuses on the potential impacts on land use that may result from the project, and evaluates the consistency of this project with the *City of Morgan Hill General Plan*, *City of Morgan Hill Planning and Zoning Codes*, and any other applicable plans or documents. Specifically, this subsection addresses the project's interface with the community. This subsection also considers the potential for urban decay due to secondary economic impacts based on a retail market impact analysis prepared by Bay Area Economics (BAE) in June 2005.
- **3.10 Noise:** Potential noise impacts associated with the proposed project are discussed within this subsection. The noise analysis is based on a report prepared by Illingworth and Rodkin (March 2005). Long-term operational impacts are identified within this subsection, including noise from traffic generation along roadways where residential or other noise-sensitive receptors are located, and

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stationary noise sources from operation of the proposed project. Short-term construction noise impacts associated with the proposed project are also identified.

- **3.11 Public Services and Facilities:** This subsection addresses the availability of existing public facilities, calculates demand generated by the proposed project for additional facilities such as schools, parks, police and fire services. It also provides a general assessment of additional system requirements and physical improvements needed to serve the build-out demands of the proposed project. The public facilities and services subsection will address the change in the project site from agricultural uses to commercial/retail uses and the subsequent demand for services.
- **3.12 Transportation and Circulation:** This subsection of the EIR is based on a traffic impact analysis that was prepared for the proposed project by Fehr and Peers Associates, Inc. in July 2005. The focus of this subsection is an evaluation of key intersections and roadway segments developed in concert with City staff. The impacts of the proposed project were evaluated following the guidelines of the City of Morgan Hill and the Santa Clara Valley Transportation Authority (VTA), the congestion management agency of Santa Clara County. Site access, on-site circulation, and parking is also evaluated within this subsection of the EIR. The Transportation and Circulation subsection of the EIR also addresses the extension of Mission View Drive north of Cochrane Road, instead of extending from De Paul Drive as designated on the *City of Morgan Hill General Plan* map.
- **3.13 Utilities and Service Systems:** The provision of potable water resources, wastewater treatment and disposal, natural gas and electric service and solid waste impacts are addressed in this subsection of the EIR. Impacts are assessed based upon increased demands on these systems and service availability.

### SECTION 4.0 – ALTERNATIVES TO THE PROJECT

CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project, which could feasibly attain the basic objectives of the project and avoid and/or lessen the environmental effects of the project. The determinations of the City of Morgan Hill concerning the feasibility, acceptance, or rejection of each and all alternatives considered in this EIR will be addressed and resolved in the City's findings, as required by CEQA. The alternatives considered in this EIR consist of the following:

- **Alternative 1 – No Project/No Development:** CEQA Guidelines Section 15126.6(e)(3) requires that a "no-project" alternative be evaluated as part of an EIR, proceeding under one of two scenarios: the project site remaining in its current agricultural and rural residential state or, development of the project site under the existing zoning designation. The 'No Project/No Development Alternative' considers the comparative environmental effects of not approving the proposed



project, with the site remaining in its current rural residential and agricultural state, since the underlying General Plan land use designation of 'Commercial' would result in a similar project as is currently proposed.

- **Alternative 2 – Supermaket Alternative:** The 'Supermarket Alternative' assumes replacement of approximately 50,000 square feet of commercial uses and construction of a 50,000 square foot supermarket at the project site. The intent of the 'Supermarket Alternative' is to meet Policy 9g in the *City of Morgan Hill General Plan*, which plans for a future grocery store east of U.S. Highway 101 along Cochrane Road.
- **Alternative 3 – Reduced Density Alternative:** This alternative assumes a 40 percent reduction in the square footage to a 394,350 square foot commercial shopping center on a reduced footprint of approximately 40 acres, which would provide a buffer around the project site.
- **Alternative 4 – Alternate Location Alternative:** This alternative includes development of the proposed project at the southeast corner of the Cochrane Road and U.S. Highway 101 intersection, immediately south of the project site. This alternate location is comprised of six parcels and is approximately 58.75 acres.

### SECTION 5.0 – CUMULATIVE IMPACT SUMMARY

This section evaluates the cumulative impacts generated by a list of past, present and reasonably foreseeable future projects in proximity to the project area, as identified by the City and in various technical analyses.

### SECTION 6.0 – OTHER SECTIONS REQUIRED BY CEQA

This section contains required discussions and analyses of various topical issues mandated by CEQA Guidelines Section 15126.2, including significant and unavoidable environmental effects, irreversible environmental changes, and effects found not to be significant.

### SECTION 7.0 - REPORT PREPARERS AND REFERENCES

The purpose of this section is to provide a list of all authors and agencies that assisted in the preparation of the report by name, title, and company or agency affiliation. It also itemizes supporting and reference data used in the preparation of the DEIR and lists all governmental agencies, organizations and other individuals consulted in preparing the DEIR.

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### APPENDICES

This section includes all notices and other procedural documents pertinent to the EIR, as well as all technical reports prepared in support of the analysis.

### 1.5 IMPACT TERMINOLOGY

This DEIR uses the following terminology to describe environmental effects of the proposed project:

- ***Standards of Significance:*** A set of criteria used by the lead agency to determine at what level, or “threshold”, an impact would be considered significant. Significance criteria used in this EIR include the CEQA Guidelines and Statutes; factual or scientific information; regulatory performance standards of local, state, and federal agencies; and the Goals, Objectives, and Policies of the City of Morgan Hill General Plan.
- ***Less than Significant Impact:*** A less than significant impact would cause no substantial change in the environment and no mitigation is required.
- ***Significant (Potentially Significant) Impact:*** A significant or potentially significant impact may cause a substantial adverse change in the physical conditions of the environment. Significant impacts are identified by the evaluation of project effects using specified standards of significance. Mitigation measures and/or project alternatives are identified to reduce project effects to the environment.
- ***Significant (Potentially Significant) Unavoidable Impact:*** A significant (or potentially significant) and unavoidable impact would result in a substantial change in the environment for which no feasible mitigation is available to reduce the impact to a less than significant level, although mitigation may be available to lessen the degree of the impact.
- ***Cumulative Impact:*** Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

### REFERENCES/DOCUMENTATION

Governor's Office of Planning and Research, State of California. *Guidelines for Implementation of the California Environmental Quality Act*, as amended. 2005.

Morgan Hill, City of. *City of Morgan Hill General Plan. General Plan.* July, 25 2001 (Updated July 2004).

Morgan Hill, City of. *Notice of Preparation of a Draft Environmental Impact Report.* November 12, 2004.

Morgan Hill, City of. *City of Morgan Hill Planning and Zoning Codes.* November 2004.

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